

ORIGINAL

United States District Court

SOUTHERN DISTRICT OF NEW YORK

PLAINTIFF

BAX GLOBAL INC and BAX GLOBAL S.A.

v. **DEFENDANT AND THIRD PARTY PLAINTIFF**

OCEAN WORLD LINES

v. **THIRD PARTY DEFENANT**

COSCO Container Lines

THIRD PARTY SUMMONS IN A CIVIL ACTION

CASE NUMBER: 07 cv 10457 (NRB)

To: COSCO CONTAINER LINES AMERICAS, INC. *as agent for* COSCO Container Lines
875 AVE OF AMERICAS STE 501
NEW YORK, NEW YORK, 10001

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Katten Muchin Rosenman LLP
Attention: Philip A. Nemecek, Esq.
575 Madison Avenue
New York, New York 10022
212-940-8800

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Cichanowicz, Callan Keane Vengrow & Textor
Attention: Stephen H. Vengrow
61 Broadway, Suite 3000
New York, New York
212-344-7042

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against *you* in favor of the original plaintiff under the circumstances described in **Rule 14(c)** Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

THIRD-PARTY DEFENDANT MUST RESPOND TO PLAINTIFF'S COMPLAINT

J. MICHAEL McMAHON

APR 29 2008

CLERK

DATE

DEPUTY CLERK

BAX GLOBAL, INC., ETANO

Plaintiff(s)

Index # 07 CV 10457 (NRB)

- against -

Purchased April 29, 2008

OCEAN WORLD LINES, INC.

Defendant(s)

- against -

AFFIDAVIT OF SERVICE

COSCO CONTAINER LINES, ETANO

3rd Party Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BARRY F. GERMAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on May 13, 2008 at 01:15 PM at

875 AVE OF AMERICAS, STE. 501
NEW YORK, NY10001

deponent served the within 3RD PARTY SUMMONS & 3RD PARTY COMPLAINT on COSCO CONTAINER LINES AMERICAS, INC. AS AGENT FOR COSCO CONTAINER LINES therein named,

CORPORATION a DOMESTIC corporation by delivering thereat a true copy of each to MARIE GARCIA personally, deponent knew said corporation so served to be the corporation described in said 3RD PARTY SUMMONS & 3RD PARTY COMPLAINT as said Defendant and knew said individual to be the GENERAL AGENT thereof.

Deponent further states that he describes the person actually served as follows:

| <u>Sex</u> | <u>Skin Color</u> | <u>Hair Color</u> | <u>Age (Approx.)</u> | <u>Height (Approx.)</u> | <u>Weight (Approx)</u> |
|----------------|-------------------|-------------------|----------------------|-------------------------|------------------------|
| <u>FEMALE</u> | <u>BROWN</u> | <u>BROWN</u> | <u>48</u> | <u>5'5</u> | <u>145</u> |
| <u>GLASSES</u> | | | | | |

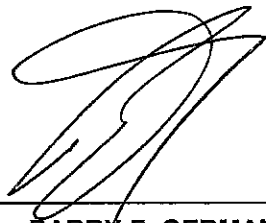
That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: May 14, 2008

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Expires February 10, 2010

JOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified In New York County
Expires November 26, 2011

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Expires December 4, 2010


BARRY F. GERMAN
License #: 982866
Invoice #: 461747